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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,696	11/29/2001	Takefumi Wakabayashi		1979

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GREENBLUM & BERNSTEIN, P.L.C.  
1950 ROLAND CLARKE PLACE  
RESTON, VA 20191

EXAMINER
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NANO, SARGON N

ART UNIT	PAPER NUMBER
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2157

NOTIFICATION DATE	DELIVERY MODE
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04/03/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 09/995,696	<b>Applicant(s)</b> WAKABAYASHI, TAKEFUMI	
	<b>Examiner</b> SARGON N. NANO	<b>Art Unit</b> 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17 -20 , 22 - 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17 -20 , 22 - 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is responsive to RCE filed on January 23, 2008. Claims 17 - 20 and 22 - 31 are pending examination.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action: A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 17 – 20, 23, 26, 29, 30 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Pickering U.S. Patent No. 5,960, 442.

Pickering teaches real time interactive directory for a workstation where a display is provided to check the status of individual entities (see abstract).

As to claim 17, Pickering teaches a transmitting apparatus that communicates with a receiving apparatus, the receiving apparatus exchanging data with a monitor apparatus that monitors a status of the receiving apparatus, the transmitting apparatus comprising:

a receiver configured to receive, from the monitoring apparatus, status information of the receiving apparatus, the monitoring apparatus being distinct

from the receiving apparatus (see col. 4 lines 33 — 42, and fig. 2, Pickering discloses an interactive directory on a workstation that visually displays the status of entities that are being monitored in real time ) ;

a memory configured to store the status information of the receiving apparatus (see col. 4 lines 33 — 42, and fig. 2, Pickering discloses a shot of status of available entities ) ; and

a controller configured to check the status information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, and to notify, to a user of the transmitting apparatus, the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus ,the controller being further configured to transmit the data to the receiving apparatus when it is determined that the receiving apparatus is available , based on the status information of the receiving apparatus stored in the memory of the transmitting apparatus (see col.4 lines 33 — 42; col. 6 lines 23 - 38 and fig. 2, Pickering discloses that a user is visually notified about the status of multiple or entities and it also discloses a controller since it is interactive with respect to placing calls, sending emails and using other functions to access other entities) .

As to claim 18, Pickering teaches the transmitting apparatus according to claim 17, wherein the status information of the receiving apparatus comprises one of

power being turned ON and power being turned OFF (see col. 2 lines 29 - 49).

As to claim 19, Pickering teaches the transmitting apparatus according to claim 17, wherein the status information of the receiving apparatus comprises an indication that the receiving apparatus is unable to receive the transmitting data (see col. 2 lines 29 - 49).

As to claim 20, Pickering teaches the transmitting apparatus according to claim 17, wherein the status information of the receiving apparatus comprises an indication that the receiving apparatus is unable to print the transmitting data (see col.2 lines 29 – 59 and fig.2).

As to claim 23, Pickering teaches a monitoring apparatus, comprising:  
a communicator configured to communicate data with a receiving apparatus to receive status information of the receiving apparatus, the receiving apparatus storing destination information of a predetermined transmitting apparatus, *and* to receive, from the receiving apparatus, the destination information of the transmitting apparatus (see col. 4 lines 33 – 59 and fig.2 ); and

a controller configured to transmit, to the predetermined transmitting apparatus, the status information of the receiving apparatus, based on the received destination information of the predetermined transmitting apparatus, whereby the predetermined transmitting apparatus notifies, to a user of the predetermined transmitting apparatus, the status information of the receiving apparatus prior to a transmission of transmitting data to the receiving apparatus *without accessing the monitoring apparatus* , the predetermined transmitting apparatus transmitting the

transmitting data to the receiving apparatus when it is determined that the receiving apparatus is available , based on the status information of the receiving apparatus stored in a memory of the transmitting apparatus, the monitoring apparatus being distinct from the receiving apparatus (see col. 4 lines 33 — 59 and fig.2 and abstract, Pickering discloses the status of the entities is displayed on a workstation ).

As to claim 26, Pickering teaches a receiving apparatus, comprising;

a communicator configured to exchange data with a monitoring apparatus that monitors a status of the receiving apparatus, the monitoring apparatus being distinct from the receiving apparatus(see col.4 lines 33 — 42, and fig. 2) ;

a memory configured to store destination information of a predetermined transmitting apparatus (see col.4 lines 33 — 42, and fig. 2) and ;

a controller configured to transmit, to the monitoring apparatus, an address of the transmitting apparatus, to collect status information within the receiving apparatus, and to transmit, to the monitoring apparatus, the collected status information of the receiving apparatus, whereby the monitoring apparatus transmits, to the predetermined transmitting apparatus, the status information of the receiving apparatus, based on the destination information of the predetermined transmitting apparatus, and the predetermined transmitting apparatus notifies, to a user of the predetermined transmitting apparatus, the status information of the receiving apparatus prior to a transmission of transmitting

data to the receiving apparatus *without accessing the monitoring apparatus* (see col.4 lines 33 — 42, and fig. 2).

Claims 29 — 31 do not teach or further define over the limitations recited in claims 17 — 20, 23 and 26 and therefore rejected for similar reasons.

### ***Claim Rejections - 35 USC1 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 22, 25, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pickering in view of Yashiki . U.S .Pub. No. 2002/005168

As to claim 22, 25, 27, 28 and 32 Pickering teaches the invention above. Pickering does not explicitly teach where in the transmitting and receiving operations comprises as internet facsimile apparatus, however Yashiki teaches a facsimile system adapted to receive data via a LAN IFAX (see Yashiki paragraphs 0026 and 0031). It would have been obvious to one of the ordinary skill in the art to incorporate the teachings of transmitting of an IFAX that is disclosed by Yashiki in Pickering's invention to enable a user to detect the status of IFAX prior to sending an IFAX, thereby saving a user's time as well as network resources.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pickering in view of Yashiki and in further view of Liljestrand et al. U.S. Patent No. 6,853,714.

Pickering or Yashiki does not singly or in combination explicitly teach the notification is a trap message. However Liljestrand teaches an apparatus and method for providing services to a subscriber where a remote alarming error messages (trap messages) are sent to a monitoring server. It would have been obvious to one of the ordinary skill in the art at the time of the invention was made, to incorporate the trap request to enable an agent to report serious condition of a device to a management station or server.

5. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other



passages and figures may apply as well.

***Response to Arguments***

Applicant's arguments filed on January 28, 2008 have been fully considered but they are not persuasive. In the remarks applicant argues in substance that:

A) Pickering fails to disclose a controller that checks the status information of the receiving apparatus and notifies a user the status of the receiving apparatus prior to transmission of the transmitting data to the receiving apparatus.

In response to A, the claims do not define what a controller is or its functions. The claims are broad and thus treated as such. Nevertheless, Pickering clearly discloses a controller which includes an interactive directory that is resident at the workstation (transmitting apparatus) since it enables a user to visually inspect the status (notifies a user) of the entities that are being monitored (receiving apparatuses). Other controller functions disclosed include but not limited to placing calls, sending emails and using other functions to access other entities (see Pickering col. 4 lines 33 – 42 and col. 6, lines 23 – 38 and fig.2).

B) Pickering fails to disclose how the status information is used after the reception of the status information.

In response to B, Pickering discloses that a user at a station 110 is able to communicate or place a call to an individual after the status of that individual is

displayed on the interactive list (see col. 6 lines 23 – 37 and fig.2). If the status is being “busy”, a call is not possible to make.

As per the rejection of claims 22, 25, 27 and 28, applicant argue that the combination of Pickering and Tamaru do not teach the transmitting apparatus and the receiving apparatus are an internet facsimile apparatuses. These arguments have been considered but are moot in view of new ground rejection.

As per claims 24 and 27, applicant argues that Liljestrang does not disclose a controller that checks status information of a receiving apparatus stored in the memory of a transmitting apparatus without accessing a monitoring apparatus as recited in claims, 17, 23, 26, 29, 30 and 31.

It is respectfully submitted, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARGON N. NANO whose telephone number is (571)272-4007. The examiner can normally be reached on 8 hour.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sargon Nano  
March 13, 2008

/Ario Etienne/  
Supervisory Patent Examiner, Art Unit 2157